

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:05-cr-36
vs.)	
)	JUDGE COLLIER
JAMES BOYD)	

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on August 17, 2011, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (the "Petition") of U.S. Probation Officer Tim Chavers and the Warrant for Arrest issued by Chief U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA John Macoon for the USA.
- (2) The defendant JAMES BOYD.
- (3) Attorney Myrlene Marsa for defendant.
- (4) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Federal Defender Services of Eastern Tennessee, Inc. was APPOINTED to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with Atty. Marsa. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Macoon moved defendant be detained without bail pending his revocation hearing before Chief U.S. District Judge Curtis L. Collier. The defendant waived his right to a preliminary hearing, but requested a detention hearing which was held.

Findings

- (1) Based upon the Petition and waiver, the undersigned finds there is probable cause

to believe defendant has committed violations of his conditions of supervised release as alleged in the Petition.

(2) The defendant has not carried his burden under Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

It is ORDERED:

(1) The defendant shall appear in a revocation hearing before Chief U.S. District Judge Curtis L. Collier.

(2) The motion of AUSA Macoon that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Collier is GRANTED.

(3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, September 29, 2011, at 9:00 am.**

ENTER.

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE